

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 4457	DATE	August 14, 2008
CASE TITLE	<i>Obeid v. United States</i>		

## DOCKET ENTRY TEXT:

To the extent that Mr. Obeid is attempting to challenge the forfeiture portion of his sentence, his request is within the ambit of 28 U.S.C. § 2255 and the court lacks jurisdiction to consider it as Mr. Obeid has not received permission from the Seventh Circuit to pursue a second § 2255 motion. Mr. Obeid also appears to be arguing that the government seized property that was not forfeited, and contends that the government should be compelled to return this property. The government shall respond to this portion of the motion by September 10, 2008 and Mr. Obeid may file a reply by October 8, 2008.

■ [ For further details see text below.]

Notice mailed by judge's staff.

## STATEMENT

Khaled Obeid has filed a pro se "motion for return of property." In this motion, he asserts that the government seized a substantial amount of money and multiple vehicles from him. He also provides quotations from his sentencing transcript, including the government's request to have the forfeiture be made part of Mr. Obeid's sentence. As reflected in the quoted portions of the proceedings, the court granted this request, so the forfeiture was part of the sentence imposed by the court. Mr. Obeid raises a number of challenges to the forfeiture portion of the sentence and also claims that the forfeiture order was excessive and thus violates the Eight Amendment. To the extent that Mr. Obeid is attempting to challenge the forfeiture portion of his sentence, his request is within the ambit of 28 U.S.C. § 2255. Mr. Obeid, however, previously filed a prior § 2255 motion, which the court summarily dismissed. *See Obeid v. United States*, No. 08-1016. Thus, this court lacks jurisdiction to consider a further request for relief under § 2255, as the Seventh Circuit has not given Mr. Obeid permission to pursue a second § 2255 motion. *See* 28 U.S.C. § 2244(b).

Mr. Obeid also appears to be arguing that the government seized property that was not forfeited, and contends that the government should be compelled to return this property. *See* Motion at 8-9. The government is directed to respond to this portion of the motion by September 8, 2008. Mr. Obeid may file a reply by October 6, 2008. If he fails to do so, the court will rule without the benefit of his views.

Courtroom Deputy  
Initials:

RTH/c